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Seventy-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Addendum

Replies submitted by the Government of the Democratic People's Republic of Korea under rule 70A of the rules of procedure of the Human Rights Committee (CCPR/C/Rev.6 and Corr.1) in response to the concerns identified by the Committee in its concluding observations (CCPR/CO/72/PRK) adopted pursuant to rule 70, paragraph 5, of the rules of procedure

[30 July 2002]

Paragraph 15 - Investigation of ill-treatment, torture and other abuses committed by law enforcement officials in places of detention and custody and establishment of an independent oversight system

1. The Democratic People's Republic of Korea (DPRK) prohibits and controls by law torture, inhuman treatment and punishment in custody and detention. Strict legal day-to-day supervision and investigation is undertaken by the public prosecutor's office, the State organ for monitoring observance of the law. The public prosecutors' offices at all levels exercise strict control over the behaviour of law enforcement officials by examining complaints and petitions against abuses of authority by law enforcement officials, regular inspection of investigations and

preliminary examinations and the records of a case, meeting with examinees, day-to-day inspection of the places of custody and detention. Such supervision activities are in turn supervised by the Presidium of the Supreme People's Assembly, the supreme representative organ of the people, for the reliable prevention of the occurrence of ill-treatment, torture and other violence in law enforcement. The period 1998-2000 saw only six complaints of ill-treatment in custody and detention places, which is attributable to the strict control over the law enforcement officials. Once a law enforcement official is complained against for his or her abuse of authority and the complaint is confirmed, the official is placed under public criticism, administrative, penal or civil responsibility and such severe punishment as degradation, dismissal, criminal penalty, damage indemnification, etc. The law enforcement officials obey legal requirement on a voluntary basis with a high sense of the duty of faithful servants of the people and consider it as disgraceful and regrettable to be complained against.

2. Recently there was a debate on the establishment of something like a national human rights commission as an independent oversight body of custody and detention places, but most people thought it was unnecessary. Their arguments are as follows: an institution like a national human rights commission may receive and investigate the complaints of citizens and report the results to the organs concerned together with its recommendation, but has no executive authority. And it may not be effective as it is constituted by a limited number of persons and cannot resolve claims directly.

3. Instead, it will be more effective to control abuse of authority by law enforcement officials through the regular grievance machinery. The current grievance machinery has a broad network and is very strict in pursuing settlements. In the DPRK, anybody who feels that his or her right has been violated is entitled to submit a complaint orally or in writing and to ask for due measures by the people's committee of the concerned district, his or her institution or enterprise, the public procuratorial, judicial or people's security organs at all levels and, finally, even by the Presidium of the Supreme People's Assembly, at any time. The institution or organ that has received a complaint registers it, goes to the site to meet with the author, looks into the details and takes the measures to recover the right encroached upon. Any slight negligence can come into question and is strictly punished. The issue of establishing an independent oversight body of detention or custody places needs more discussion in the future.

Paragraph 22 - Freedom of religious belief

4. The concern about repression or discouragement of religious practice in the DPRK contradicts the actual realities. Since olden times, there have not been many religionists in the country. Many of them were killed during the three-year-long Korean War. Old people died of age and young people seldom believe in religion. At the moment there are such religions as Christianity, Roman Catholicism, Buddhism and Chondogyo, the Korean native religion. The religionists are free to have a religious life and ceremonies according to their own religious rules at family worship centres, churches, temples and other facilities.

5. The situation with regard to the religions is as follows (larger numbers are approximate)

– Christianity	
Churches	2
Priests	20
Believers	12,000
Family worship centres	500
– Roman Catholicism	
Sanctuary	1
Public worship centres	2
Believers	800
– Buddhism	
Temples	60
Monks	200
Believers	10,000
– Chondogyo	
Preaching rooms in apartments	800
Believers	15,000

6. The State and religion are definitely separated from each other and the State neither interferes in nor discriminates against any religion. The State however supplied money and materials to the religionists for the construction or rehabilitation of religious buildings destroyed during the three years of war, owing to their financial difficulty. And the State established the faculty of religion in the Kim Il Sung University to meet the wish of the religionists to have their children educated in religion.

Paragraph 23 - Freedom of speech and of the press

7. As has already been reported, there were about 30 cases in all where the printing of a publication was interrupted for the correction of the content in the last three years. The contents corrected were mostly related to important military secrets in the atlas, magazines and other publications on common knowledge. In a country divided into two parts in acute military confrontation, military secrets are a very serious matter directly related with national security. Other contents corrected were new scientific and technological discoveries which were not yet available to the public. The above-mentioned restrictions were applied in strict accordance with the Press Law and its Enforcement Rules that embody the requirement of article 19 of the Covenant.

8. The DPRK does not restrict the use of foreign newspapers by the community. Only such matters as pornographic magazines or video tapes that may harm public morals are stopped from being distributed on an item-by-item basis. It is true that foreign newspapers and publications are not widely used by the community. The reason is the shortage of foreign currency and ignorance of foreign languages among people. In order to allow more people to use the limited copies of foreign publications, they are stocked in libraries.

9. The organs of the press belong to the State or the public organizations. For overseas news-gathering activities, the journalists ought to be financially guaranteed by their press organs. But the press organs do not have enough foreign currency and therefore dispatch very few journalists abroad. The press organs receive their news through the journalists in DPRK diplomatic missions abroad and the mass media of other countries. The DPRK does not restrict travel abroad by its journalists and so "to relax restrictions on the travel" does not arise as a problem.

10. The freedom of expression is restricted only subject to the requirement of the Covenant. The cases of threat to the State security are clearly provided for in the Criminal Law and other laws and restriction is applied to the freedom of expression in strict accordance with the legal provisions.

Paragraph 24 - Right to peaceful assembly

11. In the DPRK, every citizen has the right to peaceful assembly. To hold an assembly, the institution, enterprise, organization or individual citizen should inform the people's committee and people's security organ of the area concerned three days in advance. The information should include the purpose, date, time, place, scope, etc. of the assembly. The people's committee and the people's security organ concerned ensure the conditions needed for the assembly and help to maintain order. An assembly that obstructs the State security and public order may be restricted subject to the procedures and according to the method stipulated by the Law on Control for People's Security. Any complaint against the control may be lodged with the people's security organ and the people's committee of a higher organ, the public prosecutor's office concerned, etc. The institution that has received a complaint accurately and thoroughly investigates it and settles it fairly. If any violation of human rights is verified, legal punishment is applied according to the gravity of the offence.

Paragraph 26 - Traffic in women

12. Traffic in persons is an extremely grave crime in the DPRK. The recent natural disasters produced personal difficulties and caused people to cross the border for transactions, to visit relatives, etc. In this process, some women went abroad, married men there either to live in the foreign country or come back home. Such a thing was frequently misreported as traffic in women. No case has been reported as verified traffic in women. The DPRK will follow the recommendation of the Committee to investigate the allegation further and report its findings to the Committee.